REMARKS

Applicants respectfully request reconsideration of the present application based on the foregoing amendments and the following remarks. Applicants herein amend the claims 1-4. Upon entry of this amendment, claims 1-4 will be pending in the application.

Claim Rejections under 35 U.S.C. § 102(e)

In the Office Action, the Examiner rejected claims 1-4 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 5,923,884 to Peyret et al. (hereinafter "Peyret"). Applicants have amended claims 1-4 for further clarification. Thus, Applicants respectfully traverse the rejections of claims 1-4.

An anticipation rejection is proper when a patent applicant has claimed an invention that "was described in … a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent." 35 U.S.C. §102(e). A claim is anticipated under 35 U.S.C. §102(e) "only if each and every element *as set forth in the claim* is found, either expressly or inherently described, in a single prior art reference." *Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1560, 1570 (Fed. Cir. 1988), *cert. denied*, 488 U.S. 892 (1988).

For at least the reasons stated below, Applicants assert that Peyret fails to expressly, or inherently, describe each and every element of Applicants' amended claims and, therefore, that Applicants' rejected claims 1-4 are patentably distinct from Peyret.

As required by amended claims 1-4, Peyret makes no mention of limiting the set or number of cards onto which an application or applications can be loaded. The specification of Peyret expressly states: "[S]ince the entire applet is loaded back into the smart card, the type of the use right of the applet is irrelevant, and the loading system may reload any type of applet within the smart card regardless of the type of use rights that the applet may have." Peyret, col. 8, ll. 36-40. This language from Peyret makes it clear that one of the key benefits of the Peyret system is its ability to load any type of applet onto a card.

In contrast, Applicants' amended claims 1-4 require the determination that the at least one IC card be part of a qualified set of IC cards, based at least upon an encrypted personalization data block.

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Therefore, for at least these reasons, Applicants respectfully submit that amended claims 1-4 are in condition for allowance, and respectfully request a Notice to that effect.

Conclusion

If any issues remain that the Examiner feels may be more easily resolved through a telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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Date: *17 July 06*

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